



### Members See Double Cross:

## Veto of 'Whistleblower' Bill Brings Vows of Retribution

Members of Congress, infuriated by President Reagan's surprise pocket veto on Oct. 26 of a bill to give added protections to federal workers who expose waste, fraud and abuse, vowed to pass the measure again swiftly at the start of the 101st Congress.

The so-called "whistleblower" legislation (S 508) passed the House on Oct. 4 by a vote of 418-0 and was cleared by the Senate Oct. 7 by voice vote. (*Weekly Report* pp. 2994, 2817)

Sponsors of the bill complained that Reagan, in vetoing the measure, had double-crossed them. They said they had received firm assurances from the Office of Management and Budget (OMB) and other agencies that the final compromise version of the bill was acceptable to the White House.

### 'Hell to Pay'

Sen. Carl Levin, D-Mich., said Reagan's veto "undermines the whole process of legislating," because "we live here by our word."

During an Oct. 27 press conference, Levin angrily said, "There is going to be hell to pay" for the veto.

Retribution, he said, would come in two forms: Congress would pass the bill again next year. And anyone appointed to positions in the next administration who was a part of the alleged deception "would be held accountable."

Levin said the Senate's confirmation process would be one way to impose that accountability.

Republican lawmakers who worked on the legislation also attacked the veto. Rep. Frank Horton, N.Y., called the veto a "reprehensible act" that was "orchestrated after adjournment of the Congress to prevent an override." And Sen. Charles E. Grassley, Iowa, said the administration "hasn't exactly a sterling record where whistleblowers are concerned."

In his two-page "memorandum of disapproval," Reagan said the bill would have redesigned the whistle-

blower process so that "employees who are not genuine whistleblowers could manipulate the process to their advantage." (*Text*, p. 3167)

He also said the bill raised constitutional concerns, as it could have resulted in two executive branch agencies arguing against each other in court. Those two agencies would be the Office of Special Counsel, which represents whistleblowers, and the Merit Systems Protection Board (MSPB), which arbitrates personnel cases.

Furthermore, Reagan said, the bill would unduly limit the power of the president to remove subordinates from their jobs by insulating the Office of Special Counsel from presidential supervision. The measure would have removed the Office of Special Counsel from its current status as part of the MSPB and transformed it into an independent agency to protect workers who report mismanagement and violations of the law.

According to a *Washington Post* report, Attorney General Dick Thornburgh was instrumental in persuading Reagan to veto the bill.

Levin said he wasn't accusing Thornburgh of any deception, since most of the negotiations had preceded Thornburgh's Aug. 12 arrival at the Justice Department.

The legislation, which would have built on a 1978 whistleblower law (PL 95-454), also would have made it easier for federal employees to prove retaliation by an agency for whistleblowing activities. And it would have strengthened employee appeal rights in personnel actions taken against them.

Levin, charging that the current law is inadequate, said surveys of federal workers showed that 70 percent of those who witnessed abuses in government offices didn't report them for fear of retribution.

In his veto message, Reagan said he had directed Thornburgh and OMB officials to prepare a new bill to be introduced next year.

But Levin questioned the administration's intentions, saying, "Reagan was not willing to stand behind whistleblowers when push came to shove." He implied that some federal officials may have scuttled the legislation because they "didn't want to bear the brunt of whistleblowers."

—By Richard Cowan

## Vietnam Women Veterans' Memorial

A memorial to commemorate the women who served in the Vietnam War came closer to reality Oct. 21, as Congress cleared legislation (S 2042) authorizing the project.

While a specific site is not dictated in the legislation, lawmakers have gone on record in favor of placing the memorial within the 2.2-acre site of the Vietnam Veterans Memorial on the Mall in Washington, D.C.

Approximately 10,000 women were stationed in Vietnam during the U.S. involvement there. Eight women died, and their names are inscribed on the Vietnam Veterans Memorial.

The House and Senate had been at odds over technical details of the project, including whether the proposed statue of a female nurse should be considered as a new memorial or an addition to the existing veterans' memorial. The distinction was important because of the approval procedures that would be invoked.

The Senate receded to the House approach and the memorial is thus being treated as a new project.

Critics of the proposed memorial have said it would detract from the original design of the wall honoring those who died in Vietnam and would likely encourage requests to commemorate other categories of veterans. (*Weekly Report* p. 2539)